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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,993	09/26/2003	Mario A. Rodriguez	13768.810.59	7671

47973 7590 02/12/2007
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SALT LAKE CITY, UT 84111

EXAMINER

THOMASSON, MEAGAN J

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/671,993

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Meagan Thomasson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirmse et al. (US 2002/0086732), herein referred to as Kirmse.

Kirmse discloses a game server for use in connection with a messenger server that enables a user who has signed onto an online gaming service over a network to immediately join play of an online game that a friend is playing. In Figure 10, Kirmse discloses a list of friends, said list including an identification of each of the friends of the user and of a friend currently playing the online game, as well as a control that is selectively activatable by the user to immediately couple the user in communication with an instance of the online game in which a friend is playing, referred to as the “Play DumbChat with Tom” control. Upon selection of this activatable control, Kirmse discloses the user is then immediately connected to the same game server as the selected friend so that the user may then participate in playing said online game (paragraphs 0054-0057).

Regarding claims 2, 10, 14, 15, 21 and 29, the list of friends is displayed to the user and the user is enabled to select the friend playing the online game from the list before activating the provided control, so that the user is immediately connected to the

instance of the online game in which the friend selected by the user is playing (Fig. 10, paragraphs 0054-0057). The friends list indicates friends of the user who are playing online games.

Regarding claims 3 and 23, wherein the method for joining a game further comprises the step of automatically searching for a first friend within the friends list, who is playing the online game, so that the user is immediately connected to the instance of the online game in which the first friend found by searching is playing, Kirmse discloses a buddy list database that maintains a list, for each user, of other enrolled users that the user wishes to notify when they are online. Thus, if user A were to get online and if user B is on or is associated with user A's buddy list, then user B would be notified when User A is online and notified that user A is also online (paragraph 0036). From this it can be said that an automatic search of all members of a user's friend list is conducted, including a search for a first friend within the list, and their connection status and gaming status is then displayed to a user immediately upon logging on. Upon the selective activation of the "join game" control, a user is then immediately connected to the instance of the online game in which the first friend found by searching is playing.

Regarding claims 4,9,23 and 28, wherein the step of providing the control comprises the step of making the control available to be selectively activated by the user immediately after the user has signed onto a gaming service and at a plurality of different times after the user signs onto a gaming service, a user may selectively activate the join game control disclosed by Kirmse at any point in time after signing onto the gaming service, including immediately after signing on to the gaming service.

Regarding claims 5 and 24, wherein the friends list of the user is transferred from the gaming service to a game console of the user when the user signs onto the gaming service, the friends list disclosed by Kirmse is maintained in a buddy list database located on a server (paragraph 0036), and must therefore be transferred to the user's console when the user signs on to the gaming service.

Regarding claims 6,7,25 and 26, wherein the online game that is loaded by the user into the game console of the user carries out the step of providing the control that can be selectively activated by the user to immediately couple the user in communication with an instance of the online game, Fig. 15 displays a plurality of selectable controls, or options, that are displayed to a user upon loading a game onto the game console (paragraph 0101). Included in the selectively activatable controls is a "Done" control, which would immediately couple the user in communication with an instance of the online game.

Regarding claims 8 and 27, wherein the step of immediately connecting the user to the instance of the online game comprises the step of opening a screen within the instance of the online game so that the user is immediately playing the online game, paragraph 0057 discloses that "once Debbie chooses "Play DumbChat with Tom" from the right-click menu, Y! Messenger starts the DumbChat game".

Regarding claims 11 and 30, wherein each friend in the list of friends is indicated by a Gamertag that is unique to the friend, Kirmse discloses each player as having a user name unique to each user, e.g. debbie95055, brian_the_dork, priscillalus, etc.

(Figs. 8 and 9). This is a feature of networked interactive gaming and chat forums that is well known to one of ordinary skill in the art.

Regarding claims 12 and 19, wherein the system of claim 1 further comprises a memory medium on which are stored machine readable instructions, Kirmse discloses this feature in paragraphs 0030 and 0031.

Regarding claim 17, the user is immediately joined with a first friend of the user who has been automatically identified in the friends list of the user as currently playing an online game. The user list database maintains connection status and game playing status for each friend associated with a user, and are therefore automatically identified. Upon selectively activating the join game control, a user is immediately connected to the game being played by a first friend.

Regarding claim 18, wherein the method of claim 13 further comprises the step of determining the online game with which the user will be joined based upon an online game software employed by the user for connecting to and signing onto the gaming service, Kirmse discloses checking a user's console to determine the employed software in paragraph 0056.

Regarding claim 20, in addition to the method as described above, Kirmse discloses the use of a network interface that is adapted to couple the gaming console to a network for communicating with the gaming service and with other game consoles, a display interface adapted to couple to a display for displaying graphic and textual data, a user input device for input and control of online games, a memory, and a processor that is coupled to the network interface, display interface memory, user input device,

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and the memory, said processor executing the machine instructions stored in the memory to carry out a plurality of functions, in paragraphs 0030 and 0031.

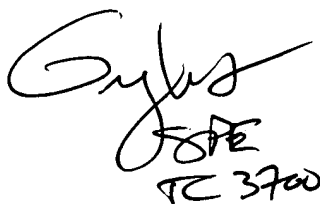
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
February 1, 2007


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TC 3700